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10 Attorneys for Plaintiff
UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 THOMAS VINCENT GIRARDI,

17 Defendant.

No. CR 22-47-JLS-1

UNOPPOSED *EX PARTE* APPLICATION FOR
ORDER GRANTING PERMISSION TO FILE
GOVERNMENT'S OVERSIZE OPPOSITION
TO DEFENDANT'S MOTION FOR ORDER
FINDING INCOMPETENCY; DECLARATION
OF COUNSEL

[PROPOSED] ORDER FILED SEPARATELY

19 Plaintiff United States of America, by and through its counsel
20 of record, the United States Attorney for the Central District of
21 California and Assistant United States Attorneys Scott Paetty and Ali
22 Moghaddas, hereby applies ex parte for an order granting permission
23 to file the government's oversize opposition to defendant Thomas
24 Vincent Girardi's Motion for Order Finding Incompetency.

25 Counsel for defendant Girardi does not object to the ex parte
26 nature of the application or to the government's filing an oversize
27 brief.
28

1 This application is based upon the attached declaration of
2 government counsel, the files and records in this case, and such
3 further evidence and argument as the Court may permit.

4 Dated: August 2, 2023

Respectfully submitted,

5 E. MARTIN ESTRADA
6 United States Attorney

7 MACK E. JENKINS
8 Assistant United States Attorney
9 Chief, Criminal Division

10 /s/
11 _____
12 SCOTT PAETTY
13 ALI MOGHADDAS
14 Assistant United States Attorneys

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA
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DECLARATION OF SCOTT PAETTY

I, SCOTT PAETTY, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California. I am one of the attorneys assigned to represent the government in this case.

2. On July 5, 2023, counsel for defendant Thomas Vincent Girardi filed a 45-page motion for finding of incompetency. The Court granted defendant's contemporaneously filed, unopposed ex parte application to file an oversize brief. (Dkt. 80.)

3. Pursuant to the Court's scheduling order (Dkt. 75), the government seeks leave of the Court to file its 43-page opposition to defendant's motion.

4. This application is based on the following reasons: the factual and legal complexities of the issues raised in defendant's motion, the voluminous nature of the expert reports that have been filed on this issue and the records upon which those reports are based, and the need to respond to the issues raised in defendant's oversized motion. Counsel for defendant does not object to the ex parte nature of this application or to the government's request to file an oversize brief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed in Los Angeles, California, on August 2, 2023.



SCOTT PAETTY